

October 22, 2013

OCT 24 2013

Petition for Exemption from Closed Captioning Due To Economic Burden
Case Identifier: CGB-CC-0406

FCC Mail Room

Dear Sirs:

Victory Temple is a local church of approximately 300 members in Beaumont, Texas. We have aired a weekly one hour program for over 50 years in our local market. Currently, we air our program on the ABC affiliate (KBMT) out of Beaumont, Texas. The title of our program is, "The World We Live In." We were granted exemption in September, 2006 due to Economic Burden.

Our program consists of a portion of our Sunday morning services. We include the sermon that was preached, and choir singing and congregational singing as our time will allow. We do not solicit offerings from our viewers. The program is paid for, in its entirety by the members of Victory Temple's tithe and offerings. On occasion, we will offer a CD or a DVD of the messages preached for a minimal amount (CD's \$10 and DVD's \$20), but most of the time they are offered at no charge to the viewer.

The programs are recorded and edited on site. Our program has no repeat value and is not a news program.

Enclosed you will find estimates that we have received on the cost of having our programs Closed Captioned. We have received quotes ranging in price from \$200.00 to \$800.00 per hour.

We have explored the possibility of purchasing equipment to caption our programs on site. We have found equipment available for costs between \$3000 and \$7000 for software. That cost does not include the purchase of additional equipment or upgrades to existing equipment that would be required. If we were to caption the programs in house, we would also be required to hire additional help to do the transcription and timing of captions. To try and estimate the additional cost that would be incurred by hiring additional personnel to do the Closed Captioning is difficult, since we do not know how much time would be required for each program.

We have spoken to representatives from the station that airs our program to see if they have Captioning services available to us, but they do not offer this service. We have not sought sponsorship outside of Victory Temple to help to cover the cost of the Captioning. We have never sold advertising in our program or requested sponsorships to help to offset the cost of our weekly broadcasts. Our programs main objective is to take the Gospel of Jesus Christ to the people of our viewing area.

The turn-around time to send the programs out for captioning would also factor in for us. We try to stay approximately 3-4 weeks ahead in our programming. However, due to technical difficulties and other circumstances, that is not always possible. The company who does all of the engineering for our facility is in Houston, which is approximately 1 ½ hours from here. When we have technical problems, depending upon their workload and other factors, such as the severity of our problem, it may be a few days before they can schedule to come over to assess the problem and get it resolved. Other circumstances which would be affected by the necessary turn-around time are, Pastor choosing not to

air a certain program on television, or special services (such as Christmas programs) that would not allow us the lead time necessary to have the program captioned. The turn-around time for most places that we found was 2-4 business days. There are times that a program recorded one Sunday, would need to air the following Sunday. The programs would need to be timed out for editing, edited, and rendered to the required format for the captioning service. With the required time to caption the program, it would not get back in time for us to have it ready to go to the station by Thursday, which is when we send our programs to them to allow for any unforeseen problems to be addressed. If we were to do the captioning here in house, the time frame may actually take longer, especially until we would learn how to use the programs and equipment efficiently.

The financial burden upon the church would be the greatest impact of all. Currently our cost to air our weekly program is \$1075.00 (\$4300.00 per 4 week airing period). If we are required to close caption our services our weekly cost for our program will increase to \$1275.00 - \$1875.00. While initially that may not appear to be significant, in these economic times for a church of our size, whose membership is mainly made up of laborers, it is significant. Since our increase could be from \$5100.00 to \$7500.00 per month (based on a 4 week airing period), it is our belief that our ability to continue with our weekly program could be affected.

Enclosed is a copy of the letter that accompanied our petition request in 2006 for you to review along with other information that you had requested. Our program format and our overall operations have not changed since we were granted our first exemption.

We respectfully ask that you would grant our Petition for Exemption.

Received & Inspected

AFFIDAVIT OF ROBERT TURNAGE OCT 24 2013

STATE OF TEXAS

FCC Mail Room

COUNTY OF JEFFERSON

Before me, the undersigned authority personally appeared ROBERT TURNAGE, a person known to me. After I administered an oath, he testified as follows:

1. My name is ROBERT TURNAGE. I am over the age of eighteen, of sound mind and fully capable of making this affidavit. The facts set forth in this affidavit are within my personal knowledge and are true and correct.
2. I hereby attest that the attached, up to date, evidence provided with my Petition Requesting Exemption from the Closed Captioning Requirements of our program are true and correct. I have personal knowledge of the content contained within the evidence. I oversaw the gathering of evidence and supervised its assembly for purposes of providing to the Federal Communications Commission. I am authorized to speak for Victory Temple, and on behalf of Victory Temple we provide the attached evidence to support our claim that the closed captioning requirement would be economically burdensome and would result in significant difficulty or expense on Victory Temple.

Attached to our petition and this affidavit is documentation of our financial status to demonstrate the economic burden closed captioning would put on the church. I further verify that I have obtained this information about the cost of closed captioning for our specific program. I further verify that I have sought closed captioning assistance from our program distributor and that such is not provided by our program distributor.

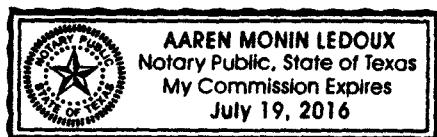
I attest that the information contained in our petition is true and correct.

FURTHER AFFIANT SAYETH NOT.

Robert Turnage

NAME

SUBSCRIBED and SWORN TO, before me, on the 23 day of October, 2013



[Signature]
Notary Public



12NEWSNOW.com

Victory Temple
2630 South 11th Street
Beaumont, TX 77701

Shannon,

We do not have the staffing or equipment to provide closed captioning for outside programming. I'm sorry we cannot offer this to you for your weekly program.

Sincerely,

Don Davis
General Sales Manager

Pricing Inquiry

Valter Gallant <wGallant@ccmaker.com>

cc: Wes Campbell <techguy@jwescampbell.com>

Tue, Oct 22, 2013

As the TV station first; you have lots of options but all depend of what is needed.

For an hour program; best if you can do most of the work in-house.

For an hour, us doing all the work, cost would be \$200 per show; add \$50 if DVD.

walter

[Quoted text hidden]

[Quoted text hidden]

RE: Closed Captioning Quote

From: Heather York

Sent: Wed, Oct 23, 2013 at 11:51 am

To: spridgen@victorytemple.org

image003.jpg (5 KB)

Hello, Shannon! It was a pleasure speaking with you just now!

Please accept this email as a quotation to caption your weekly church TV program! I understand the program is one-hour long, prerecorded, and that you can build time into your schedule to allow 2-3 days for captioning

You have two options:

Caption file preparation: Easy and 100% accurate, VITAC will create a caption file that is formatted to work with your nonlinear editing system (.aaf for Avid HD or SD or .scc for Final Cut). Simply upload a low-resolution proxy of your video to our secure FTP site. We will create your caption file and deliver within 2-3 business days. You then lay the caption file into your video timeline and export a captioned video. The total charge to create the captions this way is **\$250 per 60:00 program**.

File preparation + Encoding: Should you not be able to receive a caption file in your editing system, you can upload to us the entire video as you provide it to the TV station, in MPG2 format. We will create the captions as described above, and then embed those captions as part of the MPG2 file. We'll then upload the final captioned MPG2 to the station. The total charge for this service is the **\$250 for captioning** as described above, and **\$50 for MPG2 encoding**, or **\$300 per 60:00 program**.

I hope this helps answer your questions, Shannon! Please let me know if I can be of further assistance.

Heather

Heather York

VP, Marketing

VITAC

A Merrill Communications Company

Direct: 301-881-7534

Mobile: 703-216-4964

www.vitac.com



Captioning. Done. Right.

CLOSED CAPTION MAKEI

Service-Disabled Veteran-Owned Small Business

1955 Kensington Street • Harrisburg, PA 17104

E-mail: wGallant@CCmaker.com • Web Site: www.CCmaker.com

"Send us your file"

1-717-695-7981

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OCT 24 2013

FCC Mail Room

Ahead 2013 Conference

Baltimore, MD July 10-12 (exhibits Booth 61)

New Lower rates as of 1/1/2013

We now support Spanish CC/Subtitles.

**Our captions/subroutines meet FCC/Section 50
regs.**

New support for NLE systems.

6/27/2012

We can now create an SCC file for FCP7!

The SCC file adds captions during "print to tape" to your BetaSP
tape or DVDs.

We are working on CCing HD video; creating HD MPEG-2 PS
or Sony MXF 50 mbps MPEG.

We add closed-captions to the video you

produce

Church & 30-minute Infomercials: \$150 for half-hour program. (SD only)
Includes transcribing, tape, 2nd day Fedex shipping.
We transcribe it, format the text, and then create the CC master (normally BetaSP or DVCR
DVD).
Meets FCC captioning requirements.

New: For FCP V7 users:

If you are connected to a BetaSP recorder; we supply a 'caption file'
you use when you 'print to tape'; all done via the Internet.
No additional hardware is required. Call for a test 'caption file'. Cost is \$100.

New: Can you submit your CCed video on DVD to your TV station?

If so, we can create a 'caption file' which adds CC to the DVD; all done via the Internet.
No additional hardware is required. Call for a test 'caption file'. Cost is \$100.

TV AD Spots & Music Videos (SD only - we are testing HD for MTV)
Call for details.

Add Captions to streaming video on the web!

(Flash, WMV, QT, YouTube)

We caption streaming video for:

GSA in DC, PA, CA; State of ME, State of MN, and the VA Baltimore Medical Center.

You put the video on your server and we create the companion captioning file(s) for the player.

Click here to play [YouTube example with popon captions](#)

Click here to play [Quicktime example with rollup captions](#)

Once video starts, right click to turn captions 'on'.

Click here to play [Flash Video \(flv\) with popon captions in new
window.](#)

(using our free Flash Player)

Easy to install; put the files we supply in a single folder on your website
and add a link on your page. Player has unique features for viewing captions.

Click here to play [Flash Video \(flv\) with popon captions on y](#)

page

(using our new Flash Player)

Play a Flash video on your page is more difficult (html coding) than playing a video in a

window.

The XML-TimedText file we create is also used in CS3/CS4 and JW Flash Player

New Lower Price 1/2013

\$4 per minute of video; client supplies video file and we create the "caption file".

Minimum of \$15 per file. Includes transcribing.

College special: Cost is \$3/minute of video. Minimum of \$10 per file. Includes transcribing.

We recently completed a 70+ hour premed streaming project for a college

Maine.

Add Subtitles to DVDs using DVDStudioF

Adding subtitles to a DVD you create in **DVDStudioPro/Encore** is not fun. **DVDStudioPro** includes a subtitle editor but the process of using it is painfully slow. The process: you create a subtitle block, set the in/out timecode points, check the sync, then move onto the next subtitle block. We just did the subtitling for a 20-minute DVD – it contained 316 subtitle blocks!

A better and more cost effective way is for you to FTP us your videos in mp4 (320/24), we create a STL subtitle file which you import onto the S1 subtitle track. You still have to make minor adjustments to some of the text blocks. You have the same options as if you had manually created the subtitles; font, font size, color, position, and timecode in/out points.

\$4 per minute of video; client supplies mp4 and we create the STL file.

Minimum of \$15 per file. Includes transcribing.

“Do your own Captioning”

(units now in-stock)

ADDrollupCC (post-production only) \$3000 (hardware & software)

This closed-captioning system integrates into your editing system and adds ‘rollup’ type captions to the video you produce. **ADDrollupCC** was designed to meet the closed-captioning needs of a church, 30-minute infomercials, or in-house training videos. **ADDrollupCC** adds 21 closed-captions as you copy the video from your EditingSystem/Deck to your Record Deck.

ADDrollupCC includes a professional line-21 closed-caption encoder manufactured by Liron Electronics; encoder supports composite, S-VHS, and component video. The encoder connects between your EditingSystem/Deck and your Record Deck/DVD.

TO DOWNLOAD ADDROLLUPCC DEMO, RIGHT CLICK AND DO A 'SAVE TARGET AS'
(you must unzip the file and then do the install. Demo does not work in Windows 8)

To download a diagram of the system,
right click and do a 'Save Target As'; this is a pdf file.

Transcribing Service:

We do 'draft level' English transcribing for \$1.50 per minute.

Draft level means we do not research words we don't know.

You use the Internet to send us an mp3/wma of the audio and we email back a text file.

Churches in these cities are using ADDrollupCC

Augusta (GA) *** Ball Ground (GA) *** Bedford (TX) *** Bronx (NY) *** Clinton (IA) *** Columbus (GA) *** Des Moines (IA) *** Duluth (GA) *** El Paso (TX) *** Goose Creek (SC) *** Harrisonburg (VA) *** Hattiesburg (MS) *** Hinesville (GA) *** Knoxville (TN) *** Lansing (MI) *** Laurel (MD) *** Midland (TX) *** Odessa (TX) *** Pennsauken (NJ) *** Peoria (IL) *** Raleigh (NC) *** Spartanburg (SC) *** Vienna (WV) *** W. Hurley (NY) *** Waldorf (MD) *** Wichita (KS)

“VHS/DVD videos used in the Classroom

This unique college/university service was designed to make existing VHS/DVD videos in school's library accessible to a deaf/hoh student. Client sends us a non-captioned VHS/DVD video and we return it unaltered plus an open-captioned DVD.

Cost is \$3 per video minute which includes transcribing, videotape; add \$15 for shipping. Thus, a 30-minute video is exactly \$105 (\$3 times 30 plus \$15).

We sell a hardware/software system (see ADDrollupCC above) which enables a college to do the captioning in-house.

Cost is \$995; we have some used units for \$700! This is the system we use to do the captioning for you.

Designed so that a work-study student can do the captioning; Easy to use; there is NO user manual!

Our Customers

Home Depot (GA) *** DuPont (DE) *** Los Alamos Nat'l Lab (NM) *** USPS (TN, IL, MA, ME) *** NY Bar Association (NY) *** Colonial Insurance (SC) *** Unum Insurance Company (ME) *** I-Car Tech Ctr (WI) *** Sanders/Lockhart (NH) *** US Dept Interior/BOR (ID) *** Albany Medical Center (NY) *** BAE Systems (NH) *** WNY Indep Living Project (NY) *** Homeland Security (DHS) *** US Mint *** CACI *** GSA *** State of NJ

University at Buffalo/Suny CAT/UB (NY) *** University of New Hampshire (NH) *** Bowdoin College (ME) *** University of Maine (ME) *** City College (NY) *** University of New Mexico (NM) *** Fitchburg State College (MA) *** SW Texas State University (TX) *** San Diego City College (CA) *** University of WI - Extension (WI) *** Dartmouth College (NH) *** Salish Kootenai College (MT) *** NYU (NY) *** Univ of Iowa *** Marin CC (CA) *** California State - San Marcos *** Temple Univ (PA) *** NE Univ (MA) *** Penn State (PA) *** UC Berkeley (CA) *** San

Kenyon College (OH) *** American Univ (DC) *** Endicott College (MA) *** GA State Univ (GA) *** Hartford CC (CT) *** Kenyon College (OH) *** Mt San Antonio College (CA) *** Pellissippi State (TN) *** Univ Akron (OH) *** Univ ME) *** Univ TN-Chattanooga (TN)

Plus many small video production companies from Maine to California.

Contact

ClosedCaption Maker
1955 Kensington Street
Harrisburg, PA 17104

1-717-695-7981

1-800-527-0551

Website: www.CCmaker.com

E-Mail: wGallant@CCmaker.com

Website Created March 4, 1996 Updated Apr 14, 2013



Hi Shannon,

Thanks for contacting us! I received your online inquiry regarding the closed captioning of your weekly worship service. We do a fairly large number of church services now – captioning, dubbing and distributing programs in both HD and SD for evangelists and various church organizations. I can give you an idea of costs to closed captioning tape to tape, though there's several ways to go about closed captioning depending on what resources you are provided with and your intended use of the captions.

For basic rates - if you just wanted to send us an SD tape of the service to our NY facility, we could transcribe the service and create a roll-up caption file (the most common) and output to an SD tape for \$800. For HD programs it's about \$250 more. Our standard turnaround is 3-4 days, and we ship with FedEx direct from our office. We could set up a billable account and you'd receive invoices payable within 30-days or use a credit card to pay per dub. I'm available anytime to discuss your needs and the intended purpose/venue for the captions in greater detail. And I should be able to help guide you towards the most appropriate service given your resources, budget, timing and how you intend to broadcast the program with the captions.

Cody Greene
Senior Account Manager
253 West 35th Street
New York, NY 10001
212-398-6400 ext 7009



Shannon Pridgen
Media Director
Victory Temple
(409) 842-3954 ext.119

January 10, 2006

Federal Communications Commission
Attn: Secretary's Office
Closed Captioning
445 12th Street SW
Washington, DC 20554

**RE: REQUEST FOR EXEMPTION FROM COMMISSION'S CLOSED
CAPTIONING RULES**

Victory Temple and *The World We Live In* program respectfully submit a petition requesting exemption from the closed captioning requirements under Section 79.1 of the Commissions rules.

We believe we qualify for the exemption for the following reasons:

Part 79.1 Section (d)(8):

The World We Live In is a program that is produced by Victory Temple in Beaumont, Texas. *The World We Live In* airs twice on Sundays (11:00 AM till 12 Noon; and then again 12:35 AM – 1:35 AM) on the local ABC affiliate (KBMT) and is not networked outside our local market. We are not a news program, and the “electronic news room” technique of captioning is unavailable.

Part 79.1 Section (f): Compliance would impose an undue burden to Victory Temple Church for the following reasons:

- (1) It is going to be necessary for us to send the programs to an outside source to be captioned. This is going to greatly impact us in meeting air date deadlines, and the additional production cost would make production unaffordable.
- (2) Victory Temple totally funds the production of the program, *The World We Live In*. No funds are solicited during the program to help with the cost of production or air time.
- (3) Victory Temple had an income of less than \$3,000,000 during the last year.

The World We Live In is an outreach ministry of Victory Temple whose sole purpose is to share the Gospel of Jesus Christ with the people of this community.

We again respectfully request that we be exempted from the closed captioning requirements. If you would need to contact us, we can be reached, Monday thru Thursday 8:00 AM till 4:00 PM and Friday 8:00 AM till 12 Noon, at:

Victory Temple
Attn: Pastor Robert Turnage
2630 South 11th Street
Beaumont, Texas 77701
(409) 842-3954
(409) 842-9658 (Fax)

Sincerely,

Robert Turnage
Pastor

RT/sp
Enclosure: Affidavit of Costs from Accountants
Cavett, Turner, and Wyble

VICTORY ASSEMBLY CHURCH OF BEAUMONT
FINANCIAL STATEMENTS AND
SUPPLEMENTARY INFORMATION
YEARS ENDED DECEMBER 31, 2012 AND 2011

Received & Inspected

OCT 24 2013

FCC Mail Room



Cavett, Turner & Wyble, L.L.P.
Certified Public Accountants

INDEPENDENT AUDITORS' REPORT

Received & Inspected

OCT 24 2013

FCC Mail Room

To Pastor Robert Turnage
Victory Assembly Church of Beaumont

We have audited the accompanying financial statements of Victory Assembly Church of Beaumont (a nonprofit organization), which comprise the statements of assets, liabilities, and net assets - modified cash basis as of December 31, 2012 and 2011, and the related statements of revenues, expenses, and changes in net assets - modified cash basis for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the modified cash basis of accounting as described in Note 1; this includes determining that the modified cash basis of accounting is an acceptable basis for the preparation of the financial statements in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the assets, liabilities, and net assets of Victory Assembly Church of Beaumont as of December 31, 2012 and 2011, and its revenues, expenses, and changes in net assets for the years then ended in accordance with the modified cash basis of accounting as described in Note 1.

Basis of Accounting

We draw attention to Note 1 of the financial statements, which describes the basis of accounting. The financial statements are prepared on the modified cash basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to that matter.

Carett, Turner & Wyle, LLP

May 30, 2013

VICTORY ASSEMBLY CHURCH OF BEAUMONT
STATEMENTS OF ASSETS, LIABILITIES, AND NET ASSETS - MODIFIED CASH BASIS
DECEMBER 31,

	<u>2012</u>	<u>2011</u>
<u>ASSETS</u>		
CURRENT ASSETS:		
Cash and cash equivalents	\$ 413,970	\$ 385,697
TOTAL CURRENT ASSETS	413,970	385,697
PROPERTY AND EQUIPMENT, NET (Note 2)	<u>1,292,162</u>	<u>1,522,002</u>
TOTAL ASSETS	<u>\$ 1,706,132</u>	<u>\$ 1,907,699</u>
<u>LIABILITIES AND NET ASSETS</u>		
CURRENT LIABILITIES	<u>\$ -</u>	<u>\$ -</u>
TOTAL CURRENT LIABILITIES / TOTAL LIABILITIES	-	-
COMMITMENTS AND CONTINGENCIES (Note 5)		
UNRESTRICTED NET ASSETS	<u>1,706,132</u>	<u>1,907,699</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$ 1,706,132</u>	<u>\$ 1,907,699</u>

See accompanying Notes to Financial Statements.

VICTORY ASSEMBLY CHURCH OF BEAUMONT
STATEMENTS OF REVENUES, EXPENSES, AND CHANGES IN
NET ASSETS - MODIFIED CASH BASIS
YEARS ENDED DECEMBER 31,

	<u>2012</u>	<u>2011</u>
UNRESTRICTED NET ASSETS:		
Revenues:		
Tithes and offerings	\$ 797,856	\$ 890,028
Interest and dividend income	10,800	8,997
Miscellaneous	<u>1,837</u>	<u>-</u>
TOTAL REVENUES	<u>810,493</u>	<u>899,025</u>
Expenses:		
Program expenses:		
Choir	45,651	47,115
Christian education	7,497	6,844
Fellowship	3,463	3,425
Missions	26,725	24,345
Revival	5,914	2,346
Television	57,251	59,555
Youth	20,509	46,448
General supporting expenses (Schedule 1)	<u>845,050</u>	<u>945,668</u>
TOTAL EXPENSES	<u>1,012,060</u>	<u>1,135,746</u>
DECREASE IN UNRESTRICTED NET ASSETS	(201,567)	(236,721)
NET ASSETS:		
Beginning of year	<u>1,907,699</u>	<u>2,144,420</u>
End of year	<u><u>\$ 1,706,132</u></u>	<u><u>\$ 1,907,699</u></u>

See accompanying Notes to Financial Statements.